

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

RICARDO SWIFT,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:09-cv-00617-RDP-JEO
)	
GARY HETZEL, <i>et al.</i>,)	
)	
Defendants.)	

MEMORANDUM OF OPINION AND ORDER

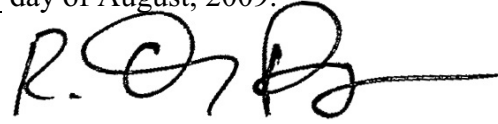
The magistrate judge filed a report and recommendation on July 17, 2009, recommending that all claims against Defendants Hetzel, Gordy and Edwards be dismissed for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). The magistrate judge further recommended that the remaining claims against Defendants Richburg, Wilson, Washington, Eldricgh and Richardson be referred to the magistrate judge for further proceedings. Although Plaintiff was advised of his option to file specific written objections within fifteen (15) days, he has not responded to the report and recommendation.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the court is of the opinion that the magistrate judge's report is due to be and hereby is **ADOPTED** and the recommendation is **ACCEPTED**. Accordingly, it is **ORDERED, ADJUDGED** and **DECREED** that Plaintiff's claims against Warden Gary Hetzel, and Assistant Wardens Christopher Gordy and Greg Edwards are hereby **DISMISSED** for failing to state a claim upon which relief can be granted, pursuant to 28 U.S.C. § 1915A(b)(1). It is further

ORDERED that the remaining claims against Defendants Richburg, Wilson, Washington, Eldricgh and Richardson are **REFERRED** to the magistrate judge for further proceedings.

The Clerk is **DIRECTED** to serve a copy of this order on Plaintiff.

DONE and **ORDERED** this 24th day of August, 2009.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE